

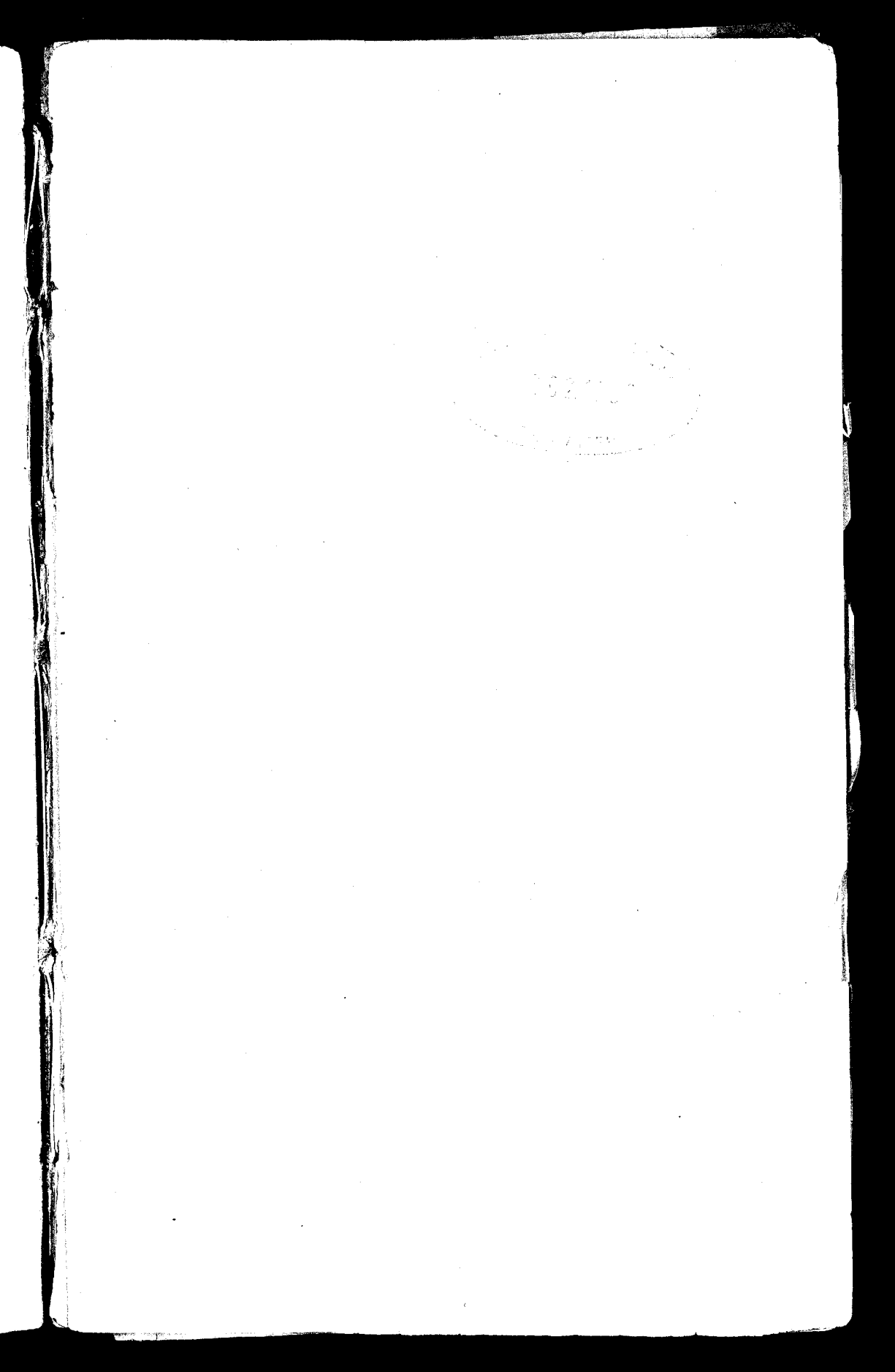
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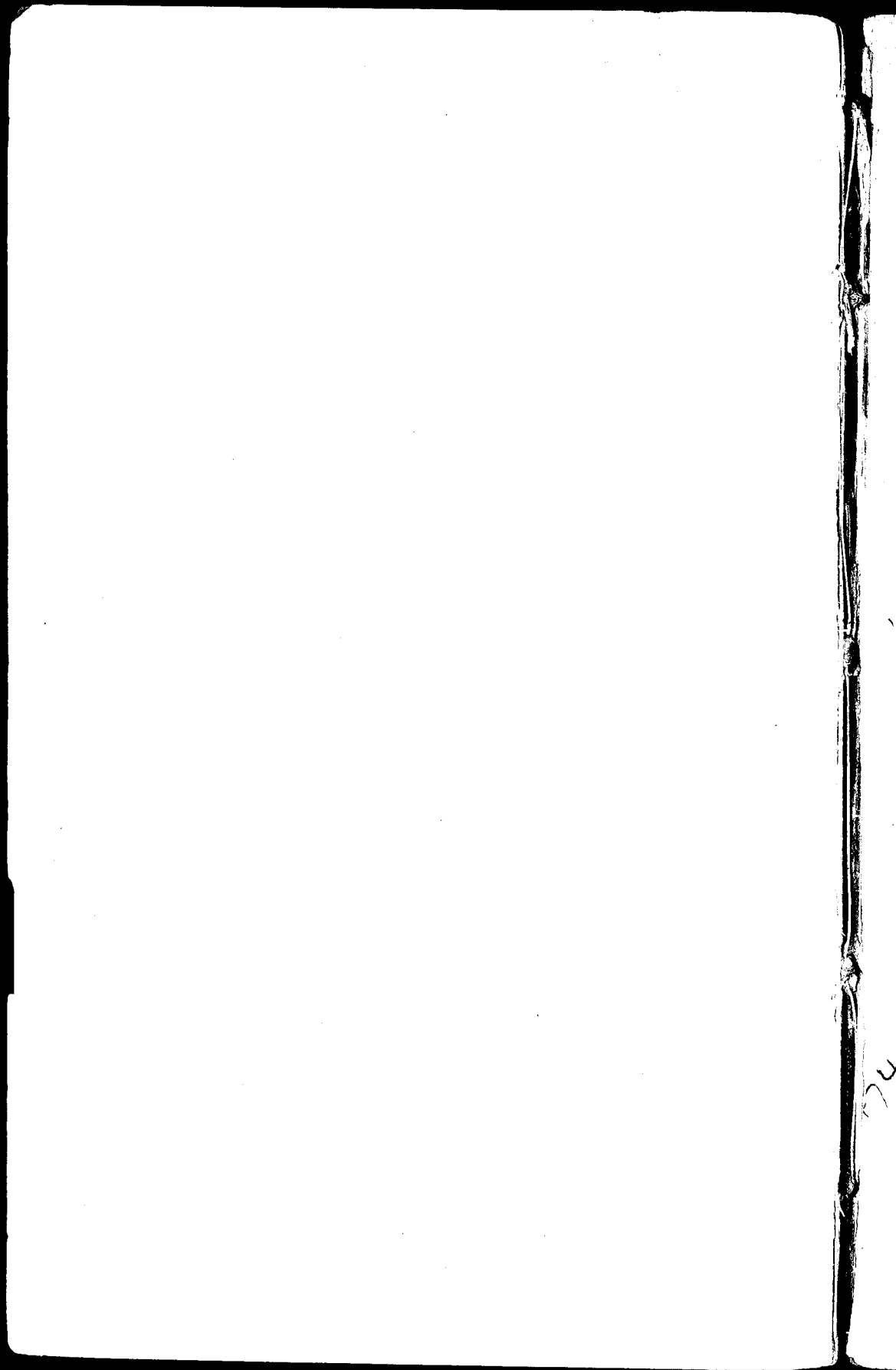
NEW YORK (STATE) LEGISLATURE. ASSEMBLY.
COMMITTEE ON THE PETITIONS FOR THE AMEND -
MENT OR REPEAL OF THE FREE SCHOOL LAW.

Report. 1850.

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State of New-York.

No. 150.

New-York (State) Legislature. Assembly.

IN ASSEMBLY, MAR. 26, 1850.

REPORT

Of the select committee on the petitions for the amendment or repeal of the Free School Law.

Mr. Kingsley, from the select committee appointed to take into consideration the petitions for the repeal and amendment of the free school law, in behalf of the majority and minority of said committee, makes the following

REPORT.

That the said committee entered upon the discharge of its important and arduous duties, with an unfeigned diffidence, in their own powers, to do justice to the subject assigned to their care. They have endeavored, however, to discharge their duty. In deliberating upon the subject, they have felt the responsibility of their position; that feeling has sometimes pressed upon them with a power almost overwhelming, and they have been tempted to give up the work in despair. It is not strange that this is so, for how can they help realize that they are acting upon a subject of the utmost importance to ourselves, our present, and all future generations. Our common schools are now, as they ever must be, the great nursing places of our heroes and statesmen; the places in which are to be formed our future rulers; where our wise and learned men are to receive the rudiments of their education, and where the great mass, the laboring and hardy yeomanry of our land, are to receive the whole of theirs. If we look around us, we find but very few indeed, who have ever gone further than the old log school-house, near by their fathers'

farm, or the better one in their native village, in its pleasant spot, and hallowed by youthful associations. There, the greater part of our population is educated; there, habits of thought and of moral feeling are formed; and there too, the mind receives impressions which are everlasting, and have a controlling influence upon the action of the man through all his life. A few go thence to the academy, and a smaller portion still, at last complete their scholastic course at our colleges. But they go there with impressions received at the common school; and as the man is there made, such is he in his future life.

And not only are our sons there educated, but our daughters also; those who are to be the mothers of future generations. They must there be fitted for the arduous duties and the responsibilities of their life, as our sons are for theirs; and there they, also, must form those habits of thought and feeling, those principles of action, which are not only to govern them, but are to be enstamped, also, upon the minds of their sons and daughters; who are, in their turn, to succeed them.

Who can estimate a mother's influence, or a sister's power, over the heart and conduct of a son or a brother? Silently and unperceived they do their work; the character is formed; the individual knows it not; yet, after years reveal the fact, and show him how much of a blessing or a curse have been the influence of his mother, the power of his sister, and the effect of those other impressions received at the school-house in his boyhood days; when his mind and character were fresh and easily moulded, and he receiving the rudiments of his moral, mental, and physical education.

How important then, in view of its ultimate consequences, is the common school, and how careful should we be that it performs its appropriate work, unchecked and untrammelled, receiving the cordial and hearty support of the whole body of the population! The fact indeed is a necessary condition for the full and complete success of the system. If it is looked upon with a suspicious eye, or opposed, by even a small portion of those affected by it; if jealousies, complaints, ill-feeling and ill-will, are caused by its practical operation, (however unjust those feelings may be in the abstract,) then it fails of accomplishing its object, and instead of a blessing, it may become a curse.

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Our State early recognized the importance of engrafting upon its policy a good common school system, one by which all, even the poorest, might receive an education which would fit them for the transaction of the business of life, would prepare them for discharging well their part as members of a free and independent State ; nay more, would fit them to be freemen. In 1795, so soon after our country had achieved its independence, an act was passed by which the sum of \$50,000 was appropriated annually for five years, among the several towns in the State, a sum equal to that thus granted, being directed to be raised by the towns for an additional aid to their common schools. In 1805, a permanent fund for their support was raised, which was increased by subsequent legislative appropriations, until, in 1812, the system in operation till within the past year, was established, under the direction of a State superintendent of common schools, which office was afterwards attached to that of secretary of State. That system prospered to an eminent degree ; the people approved of it, and sustained it well ; it was their pride, and our citizens removing to the far west, the glorious land of promise, would point their neighbors, the inhabitants of their new home, with pride and admiration to the glorious common school system of their "own native Empire State," and earnestly recommend it to them for their adoption. And why should they not ? It gave a good English education to every one of whatever nation he was born, or under whatever sky ; it asked not if he was rich or poor, but opened its school house door to the son of poverty as well as to the heir of riches ; the State, acknowledging its duty and obligation, from its own abundant resources gave a part of the funds, the towns supplied an equal portion, and what was lacking, those who enjoyed its benefits gladly paid.

Nor were the new states reluctant to follow the example thus commended to their approbation and imitation. Ohio, Indiana, Illinois, Missouri, Kentucky, Tennessee, Mississippi, Louisiana, Georgia, Michigan and Alabama, gladly followed in our lead, established systems similar to ours, and provided the necessary means for carrying them into full and complete operation. Nor is this all. A self denying and christian spirit impelled a few, a noble few, to leave homes and kindred, and on a beautiful cluster of islands in the far-off Pacific to plant the standard of the cross, and to call around it the benighted and degraded there. They had with them, first of all, the bible ; they next had the recollection of their common schools at home, and remembering their happy influences on the character of the people, they established similar schools there, and they have

found them a most powerful auxiliary in their noble work ; the intellect is awakened, cultivated, and expanded ; and as a natural consequence, the moral nature of the man is made tender and prepared to receive with approbation, the teachings of a pure and holy religion. He learns to look with disgust and abhorrence upon his idolatrous worship, and to love that divine system which the missionary brings.

The beneficent results of our system upon our own population cannot be doubted or denied. Go where we will, we find the school house and the school master. Go also where we will, we find an honest, a laboring and an intelligent population. On every side are pleasant houses, cultivated farms, happy villages, and all the marks of thrift and industry. Enter the Lumble school house, and an interesting sight is before you. Instead of roving about the streets or highways, learning idleness, dissipation and vice, are gathered those who are hereafter to be our rulers, our wise men and our statesmen. They are not learning that which will make them a curse to the world ; they are not contracting habits which will work their own and others ruin, they are not preparing for a life of crime, but they are fitting themselves to act well their part as citizens of a great and free nation, worthy of the highest honors it may have in its power to bestow. Our observation shows us, that with the general diffusion of practical knowledge among the masses, idleness, sensual indulgence, and crime decrease, and give way to industry, honesty and virtue. True, however well educated and refined a nation may be, however knowledge may be disseminated among the masses, idleness and crime with their attendant evils are not entirely done away ; all past experience proves this ; but the same experience also proves, that it is among an ignorant and degraded people, that we are to look for the greatest degrees of vicious indulgence, the most atrocious crimes, the most regardless sloth, and in fine, for a general prevalence of all those vices, and those degrees of wickedness which so degrade and debase our human nature, and which, if universally prevalent, would make of this world, a moral lazarus house, instead of the beautiful and pleasant one that it should be. Indeed it cannot be denied, our experience has given the remark the force of an axiom, that a general diffusion of knowledge among the masses, has a tendency to elevate them and increase the general amount of virtue and consequent happiness in their midst, while its absence produces a contrary and disastrous effect.

It is not strange then, that, as a consequence of the common school system of which we are speaking, near by our school houses we find the church erected, in which, during one day in seven, a happy, intelligent and contented congregation is found, with sincere hearts, worshipping a divinity whose precepts are pure and holy, whose requirements are not heavy, and whose rewards are glorious ;—that we find our young men emerging from the portals of “the poor man’s college,” and occupying positions of eminence and renown ; that we follow them through the higher institutions of learning which the State also provides for and watches over, until they graduate at our universities, and soon become our great men, and those whom we love and delight to honor ; that we find them the eloquent defenders of the rights of man at the bar of justice ; merchants whose sails whiten the seas of Indian lands, and bring back rich freights and princely cargoes ; teachers of a world-wide renown, preparing their students for the stations they and others now occupy ; or filling the pulpit and pointing their hearers, rapt with their words of persuasion and eloquence, to the better country which is before them ; and all, every where, diffusing knowledge, refinement and happiness in their pathways, a blessing to those by whom they are surrounded ; a blessing also to the world at large.

While thus our common school system makes us wiser and better men, while it thus diffuses the blessings of knowledge and intelligence into every hamlet and secluded district, it also makes our people a happier one. It does this by expanding the scope and grasp of the mind, cultivating its better powers and faculties, and bringing the moral attributes of man into a more full and perfect action. The degrading, ignorant and vicious have their enjoyment, it is true, but it is of a mere sensual and fleeting character ; while to the educated mind, new and lasting sources of pleasure are opened ; the whole of creation to his intelligent vision is one of beauty and enjoyment ; his powers of appreciating and enjoying what is before him, are enlarged and increased, and, where before one faculty ministered to his happiness, a thousand now are brought into life and activity ; he feels himself a new man, and in a new world. Nor is it thus only with the individual members of a state, but the great whole—the entire of the population has its happiness increased, so that it is universally true, that wherever we find a nation where the people generally are educated and intelligent, that nation is a contented and a happy one also. Who would prefer the wild freedom of the savage and his joys, to the mild restraint, comfort and enjoyment of his enlightened neighbor ?

Other benefits arising from a general diffusion of knowledge, might be mentioned here, but we forbear. We have endeavored to show that such a diffusion increases the prosperity, virtue, and happiness of a nation ; and it is from this position that we derive an important point in our argument, which is:—*The obligation of a State to provide for this general dissemination of knowledge among its people.*

Governments are formed for certain and specific purposes. In a state of nature, each one is free to do what and as he chooses. But he enters into a compact with others, by which a government is formed ; some natural rights are yielded for the general good of all, and in consideration of certain benefits, which the governed seek and require, and which the ruler or rulers agree shall be accordingly conferred upon them. Among these are, that the members shall be protected in their persons and property ; another and more important one at the present is, that the government shall so conduct itself—that the State, through its Legislatures or other constituted agents, shall make such laws, and adopt such a course of policy, as shall confer the greatest amount of happiness upon its members ; and shall give them the greatest degree of prosperity consistent with the general good of all. We have already shown, that a good common-school system produces and effects these results, and we therefore conclude, that it is the highest interest of the State, its most imperative duty, to establish and maintain such a system, and by all necessary rules, laws and regulations, to give it life and a full and complete operation. And not this alone—it has not only to pass laws, but it must furnish, or provide for, the means also. The wealth of a nation belongs to the individuals of that nation ; when it is necessary to promote the general good, that wealth should be applied to effectuate that end, not with a lavish, not with a penurious hand, but in such a manner as most effectually to accomplish the object desired. The schools thus provided, being for the common benefit of the State, should be supported by the State ; not directly it may be, but at least indirectly ; that is, that in some way or other, the property of the State, in a *fair, just and equal proportion according to the different interests different persons may have in the subject, or the more immediate or remote benefits they may derive from the sums thus appropriated*, should be made to support these schools so established for the general good of all. They should also be free to all. Such schools the State is bound to provide ; schools which are open to all, whence no one shall be excluded, whatever his race, or comparative situation in life ; but whose doors shall open as gladly to one as to another, and where all shall be on a perfect equality. We claim not

that the State should so bestow its means as to give to every one, freely, a collegiate or even an academic education ; but only that it is bound, by every consideration of utility and justice, to furnish the means for the *common* education of every child within its boundaries—that it should give to every one an opportunity for so improving the powers which Nature's God has given him, that he may be enabled to discharge the ordinary duties of life with ease, and correctly, and prepared also to proceed farther and farther into the great ocean of science which lays before him. Else the State has not performed all its duty : it has not done all in its power to increase the virtue, safety, prosperity, and happiness of its people, and in so far, is a debtor to those who made it.

As we have before remarked, our State, early in its existence as an independent one, discovered this great truth, and setting itself to work accordingly in 1795, made an appropriation of \$500,000 annually for five years, the people of the towns raising a corresponding amount, and which sums were applied to the support of common schools. For some reason or other, it appears that but \$149,250 were actually paid during this time, and that from the year 1801, when the last of said payments was made, to 1814, nothing whatever was paid by the State for common school purposes. But though nothing was paid, the State was not unmindful of its obligation in the premises ; and in 1805 an act was passed, appropriating 500,000 acres of land “to raise a fund for the encouragement of common schools,” which fund was to be a permanent one ; the Surveyor General to sell the land, the Comptroller to loan the principal derived from such sale and the accruing interest, until the whole interest should amount to \$50,000 annually, after which the interest was to be distributed among the common schools in such a manner as the Legislature should direct, and which investment was the foundation of the present school fund.

In 1810, another act was passed, which, providing for the payment of the salaries of the clerks of the Supreme Court from their fees, directed that the surplus of those fees, after such salaries were paid, should be appropriated to the common school fund. It was several years, however, before a surplus was realized, and the act itself was repealed in 1821, some \$78,000 having been received from the operations of the act.

The next step in the perfecting of the system, was the appointment by the Governor in 1811, under a power conferred in the sup-

ply bill of that year, of three commissioners, to report a system for the organization, regulation and establishment of common schools, to the next Legislature. This commission discharged its duty in the making of a report, accompanied by a bill to the Legislature of 1812, and on the 19th of June of that year, a law was perfected and passed which was the basis of our common school system until within a very short time, and which system so many are anxious that we should now restore.

This law of 1812 was but the basis of our old system, and in succeeding years, it was very essentially modified and changed. It provided that a State Superintendent should be appointed, and that the public money should be apportioned to such towns only as should voluntarily raise an equal amount by a tax. In 1814, this feature was changed, and the supervisors were directed annually to raise, by a tax on the several towns, a sum equal to that received by them from the State. Other amendments were made from time to time, up to 1821, when the duties of the office of State Superintendent were transferred to the Secretary of State.

In 1814, the first appropriation from the proceeds of the common school fund established in 1805, was made. It was the bare pittance of \$48,376 only; but it was the germ of a mightier sum which was thereafter to be realized from the wise foresight of our fathers, in their liberal appropriation—an appropriation then comparatively worthless, but which it was foreseen, as the result has proved true, would in the end be of a great and commanding value. This fund has, in various ways, at different times been increased until now, when we have a capital belonging to our common school fund of \$2,244,000, protected and assured to us by the guarantees of the Constitution, as a fund for common school purposes, set apart inviolate and forever. From this fund, which must gradually yet surely from the provisions of the same Constitution, increase, we now annually distribute \$285,000 and more, which sum, increasing as the fund itself has enlarged, will each year make our schools more and more perfectly and practically "free."

This is a magnificent sum for a State to set apart for a purpose like this. It is not for war; it is not for the destruction of human life; it is not for the forging of the instruments of battle, or the building of armed navies, that these millions are devoted; but for the education and cultivation of immortal minds, and to render them wiser, better, and happier than they would otherwise be; for the

teaching of those lessons which will one day beat the sword into the plough-share and the spear into the pruning hook; for the inculcation of those principles which are yet to cover the earth with the blessings of peace, and imbue its inhabitants with a feeling of good will each towards the other.

This sum has not been appropriated in vain. Each succeeding year has seen a greater, and a still greater number of pupils flocking into the schools thus fostered and nourished by the care of the State, until, within the past year, an army of nearly 800,000 children has there received the rudiments—it may be, the whole—of that education which is so necessary and so well adapted to render each of them happy, prosperous, and industrious, the better fitted for the stations of importance in life which, as citizens of a great republic, they may hereafter—many of them, at least—be called upon to fill.

But, it is not in this manner alone that the State has endeavored to discharge the duty incumbent upon it, of educating and improving its population. It has set apart another fund, the annual income of which is applied to the purchasing and keeping up of a suitable miscellaneous library in each of the school districts of the State. It was a wise, a laudable, and a benevolent policy which instigated this measure, and one the influence of which cannot even be fully estimated, and least of all cannot be during the generation in which it originated. The kings of the old world have collected at their capitals vast numbers of books, rare, valuable, and costly. They are carefully kept in splendid buildings, which are adorned with all the embellishments of art. To the wise, the curious inquirer, the wealthy, or the noble, they are open; but to the illiterate, the poor, or the ignoble, from their location, and the ban of prejudice or custom, they are forbidden places, and their volumes, emphatically, “sealed books.” Of what use to the peasant of Normandy or the sunny plains of Languedoc, are all the treasures deposited in the libraries of the French capital? Of what use to the serf of Russia, or to the laborer of England, are the libraries at St. Petersburg or London? Of what use are any of the libraries of Europe to the great mass of the surrounding population? None! To the vast majority, they might as well be buried in the depths of the sea, or scattered to the four winds of heaven, as to be where they are.

The State of New-York has done better and more wisely than the kingdoms of the old world. While, like them, she has gathered her splendid library at her Capitol, which contains, as it should, books

of rare and costly value, many of which are valuable to only a few, she has heeded the wants, not of a portion only of her population, but those of the whole of it. In every district through all her State, she has placed a library of such books as her farmers, her mechanics, her merchants, her apprentices, her whole people, old or young, need. That library is open for all; no one is excluded or debarred from its privileges; but each one finds, at home, a library for his own and his neighbors' use.

Viewed in this light, the spectacle which New-York presents is a proud and a glorious one. She has divided the State into eleven thousand five hundred districts of convenient size; in every one of these she has caused to be erected a school house, helped to pay the teacher who has taught there, and side by side with the school house has placed a library such as the population reads. The spectacle truly is one which may challenge the admiration of the world.

Your committee ask pardon for this seeming digression. We should not have alluded to our library system, but we could not forbear, when speaking of what has been done for the cause of popular education, to refer to this point also, and for the further reason that some of your petitioners have asked, that the fund now applied for the purchase of libraries may be devoted to a different purpose.

It may not be amiss, for the proper understanding of some portions of the subsequent part of our report, for us here to briefly mention the leading features of the common school system in operation up to the passage of the free school law.

By that system the State annually distributed to the several towns of the State, their proportionate share of the revenues of the Common School Fund. The boards of supervisors, at their annual meetings caused to be levied, on each of the towns in their counties, a sum equal in amount to that received from the State, and such further sum as the electors of the town might have directed; these sums, (with the addition of that received by some towns from local and other funds, and amounting, in all the State, to an annual average of \$20,000,) made the public money of the town, which was divided among the several school districts of the town in proportion to the number of children therein, over five and under sixteen years of age, according to the last report of the district trustees. Schools were to be kept during four months in each year, and for such longer time as the trustees should determine, and the amount

remaining due for teachers' wages, after deducting the public money, was raised by rate-bills from those sending to school, they being taxed for that purpose in proportion to the number of days their children had attended the school.

As we have before remarked, this system worked well. Minor defects were from time to time discovered in it, which were rectified as fast and as well as possible, but no material alterations were made in it from the time of its institution in 1812, except those before mentioned, until within a very recent period.

Within a few years, however, in some of our cities and large villages, a different system was adopted and with great success. We allude to what is now called the "free school system." It is very different from the other, dispensing with the rate-bill entirely, and raising the amount left unpaid for the expenses of the district, after deducting the public money, by a direct tax upon the property of the district. The advantage of it is that no one is deterred from sending his children to school through fear of the rate-bill, which he is too poor to pay, or from a pride which forbids him to ask an exemption from its burthens, though such an exemption was provided for the benefit of such persons. In our large cities, which are crowded with the children of foreigners and others, the system worked, and ever must work, advantageously, from the large number of those who draw public money and the greater comparative cheapness of supporting schools in such places, than in the sparse and thinly settled country districts.

A defect in the old system, of a grave and serious character, was that many who really ought to have been exempted from any and all the burthens of common schools, either from the inattention or remissness of the district trustees, or a pride on their part for which they would not claim it, were not exempted, and were deterred from sending their children to school. In 1845, the State Superintendent made an effort to learn, from the reports of subordinate school officers, the number of children who were, for these reasons, kept from our schools. The returns upon this head were very imperfect, but enough was returned to authorize the opinion that, in all the State, over 46,000 children were thus deprived of a participation in the benefits of our common schools. This was a serious evil; these children were to be provided for, we would have been unjust to have left them practically unable to enter those schools which the State and its citizens had provided for their benefit as well as for that of any other children.

The free school laws in the cities, and to which we have just referred, had been found very useful in bringing in this class of children. The opinion began to prevail, that the system would operate equally well in the country, and would bring in those children there, whose parents were unable or unwilling, as the law then was, to send them to school. Petitions for that purpose were sent in to the Legislature of 1849; the State Superintendent of that year recommended the plan, and, accordingly, a general free school law was prepared and submitted to the people, at the general election in that year, for their adoption or rejection. It is useless to say that the law was adopted by a majority of thousands, of hundreds of thousands; and thus, in a day, that system of common schools, which had been in existence since 1812, was laid away, and a new one, and to a great extent untried, substituted in its place. Though the provisions of this law are known and familiar to us all, it may not be improper for us to refer briefly to its leading features. In the first place, it provided that, "Common schools in the several school districts in this State shall be free to all persons residing in the district over five and under twenty-one years of age;" and, that non-residents might be admitted, on such terms as the trustees should impose. It next provided that, in addition to the amount of public money before raised, there should be collected, by a tax levied on the counties, a sum equal to that received by the counties from the State; making an increase of fifty per cent upon the amount theretofore raised by a tax; the whole amount so raised, to be divided among the districts in the same manner as by the previous law. Then came the third section of the act, which, taking that power from the trustees, in whose hands it had before been, gave to the inhabitants of the district the voting of what the common school expenses of the district for the succeeding year should be; and the amount they fixed, after deducting the public money, was to be raised, by a tax upon the property of the district liable to taxation. As a safe guard against the contingency that the inhabitants might refuse or neglect, in some cases, to make the necessary appropriations, the trustees were authorised to raise, by tax as before, an amount sufficient, after deducting the public money, to support a school four months in the year. So that, as in the old law, a school was required to be kept that length of time, let what would happen.

This law has now been in operation some four months only, and yet we are already daily receiving petitions for its amendment, or its total and entire repeal. Already there have been presented over forty petitions for its amendment, and over two hundred and fifty for its

repeal. They come from every corner of the State; from our villages; our secluded districts; from our boards of supervisors; our town meetings; our district meetings; our public officers; public meetings; from the high and the low, the rich and the poor; those who voted for, and those who voted against it; all ages, conditions and classes, are here, and respectfully ask us, either to make essential and important amendments to the law, or, by its repeal, to place us where we were before, upon the platform we had occupied since 1812. In this manner, and for these purposes, some twenty thousand names, of which over two thousand are for amendments, and over seventeen thousand are for repeal, have been presented to us; and we are called upon, by every consideration of duty and interest, to listen to these complaints, and grant such relief as it may be in our power to bestow.

It is not strange, that the change from the rate-bill to the new system should be accompanied with evils, difficulties and embarrassments. That was to be expected, but no one could have calculated, judging from the workings of the free system in our cities and villages, that its operations, in the country, would be so disastrous to the best interests of our schools, as the result has shown. For years, the average length of time that schools have been taught, has been eight months throughout the State; now, your committee hazard nothing in saying, that it will not average more than five or six months, and were it not for the necessity imposed by law, that schools shall be kept up for four months in the year, the average would reach even less than five months; and the time in which our schools are kept open, would thus be reduced nearly one-half, whereas now, as it is, this term is reduced at least one-third from its usual average before. Not only are our schools thus closed for a portion of the year, during which they were before taught, but this diminution is accompanied by much ill-feeling on the part of those who were intended to be benefitted by the act in question; indeed, it cannot be denied, that as the law now is, it is condemned by the whole and united voice of the people of the State, who, in great numbers, as it were, have come to us, and petitioned that we repeal it from our statute books, or else make such amendments to it as shall make it more acceptable to them, and, as they claim, and we believe, more beneficial to the cause of common schools. Among these petitioners we recognise names of high standing and influence, men of experience and judgment, men of wealth and indigence, men of all classes and situations in life; and believing as we do, that no system, however perfect in itself, can be of benefit, when opposed by

those interested in it, we feel ourselves bound to do what we can to allay the existing excitement, and to suggest such amendments or alterations as shall bring back our common schools to their former healthful action, their former hold upon the affections and esteem of our people. And in order that we may recommend such amendments or alterations as will best accomplish this end, it is proper to examine into the principal causes of complaint now made against the law, that, like wise physicians, understanding the disease, its location, and its causes, we may be able to apply the proper remedy.

The most prominent objection, and your committee is constrained to say, that in their opinion it is a valid one, is the unequal rate of taxation in different counties, towns and districts even, which is caused by the practical working of the present law. No doubt can be entertained that this taxation is most unequal and should be corrected. The public money is distributed into the several school districts of the town, in proportion to the number of children therein of a certain age. Now, in the large districts there being a great number of these children, more money is received than in the smaller ones, the proportion being in some instances as great as from 1 to 3, or even 5; that is to say, while one district may receive \$25 of public money, another one in the same town, and it may be an adjoining one, receives \$75, \$100 or even \$150, while it is evident to every one, that the expense of the several schools differ but comparatively in a small degree. A house has to be built in each, fuel furnished, teacher boarded, and teacher hired, so that the expenses of the smaller one are nearly as great as those of the larger school, though the amount of their public money is so very much different in amount. And again, in the larger districts, there is more property, usually, than in the smaller, and the consequence is, that when the tax is levied upon the district, to collect the amount remaining due for teacher's wages, &c., the amount raised in the smaller in proportion to its valuation is very much greater than in the larger district.

A very few examples may be introduced, well authenticated, which will more completely show the present operation of the system, as far as it regards this subject.

In Queens county, we are told by petitioners from there, the following are the amounts of taxable property in several of the towns, the number of children, and the amount per cent paid for the school tax, viz :

	Taxable property.		Scholars.		Tax.
Roslyn,	\$160,000	over	200	has to raise	36c on \$100
Great Neck,	311,000	"	92	"	" 12c "
Flower Hill,	195,000	"	98	"	" 12c "
Cow Bay,	————	"	79	"	" 4c "

Again : in Cortland county, in one district, where the assessment of property is about \$12,500, it has been found necessary to keep up a school eight months, to raise \$67 on the taxable property of the district ; while on the other hand, in another district where a school is kept *ten* months, with much higher wages to teachers than in the other, they have to raise but \$63, by a district tax, upon the property of the district, which is assessed at from \$100,000 to \$150,000.

Again : in many of the districts, such is the disparity between the valuation and number of children, that the district, where it receives its apportionment of the public money, receives from \$10 to \$50 less than the amount actually paid by it upon the tax.

Other instances have come to the knowledge of your committee, but we will not take time to mention them ; those we have given, are not extreme ones, or such as rarely occur ; from the nature of the case, they must be frequent and universal, and present a strong argument against the details, at least of the present law.

Another objection, and one which goes further than the last, is, that it is not right for the State to raise money by a tax, for this purpose, to any greater extent than it did under the old law. The objection opposes the present system of taxation itself, without regard to any particular inequality which may result from it. In regard to this objection, your committee are partially apart. In one view of the case, if the amount could be raised directly by a State tax, they would recommend that it should be so collected ; as that cannot be done, a diversity of views arises, in regard to the practical operations of a system of county taxation, in lieu of a State one, which with other matters caused us to disagree, and has its influence in preventing us from making a unanimous report.

Another objection to the law is the power conferred in the third section of the act, which leaves it in the power of the districts to vote down the estimates of the trustees, and in effect, to prevent the school from being kept longer than the four months which the law

prescribes. This provision leaves it in the power of disaffected individuals, who may happen to obtain a majority in their district, to shut up their school for eight months in the year, a power which we think should not be left to the vacillating mind or excitement of a public meeting, but which should be restored to the trustees, who are freely chosen by the voters of the district, as capable and qualified to act for the rest in the entire management of their common schools, or else be definitely fixed by the legislature itself. Your committee are unanimously of the opinion, that had this provision been left out of the law of 1849, many of the bad effects of the free system, would have been avoided, and there would be more harmony in our common school operations than now exists. The practical effect of the provision, was to array one class against another, and create divisions, dissensions and ill will in a cause which, of all others, should receive the united, hearty and cordial support of all.

Another objection, and one to which we have before referred, is, the operation of the present law, in diminishing the length of time in which our common schools are taught. A bare reference to the petitions for the repeal of the law will abundantly show, that this objection is founded upon the truth. It is a lamentable fact, that in many, and your committee is of the opinion, that in a majority of the districts in the State, either no school has been voted or that the trustees are tied up to a four, five or six month's school. At least it cannot be denied or disputed, that the average length of time, during which schools will be taught in 1850, will be much under the average of 1849, or of any of the preceding years. This fact should have a great influence upon our action. It is our duty, our imperative duty, to so regulate our common school system, that our schools be not diminished in usefulness, or shortened in their terms, and if our laws are such as to diminish their usefulness, in any respect, or to close them up, for a period when the interests of our children demand they should be open; then we should apply a corrective, either in the total repeal of those laws, or the enactment of such amendments as will accomplish the object desired. We should do something to heal this difficulty, and to bring back our schools to the situation which they occupied but a few short months ago, from which they have so suddenly, so unfortunately fallen.

Many other objections are urged by your numerous petitioners, for which they claim that the law should be repealed. Time, however, will not permit us to do farther than to barely refer to them. It is claimed that it is not the duty of the government to support common schools by compulsory taxation; that it is a law of nature that

a parent should take care of the education of his children, while the law, in effect, takes it from him and gives it to the State ; that minors are taxed for their property, without their consent ; that old men, who have, by their industry, accumulated property and educated their own children in such a manner as they thought best, are now taxed for the education of the children of others ; that the law, though intended for the benefit of the poor man, works against him, as it in many instances shuts up the school against his children for eight months in the year ; that the old law afforded all needed help to the poor, and was a voluntary, while this is a compulsory one ; that the law is unconstitutional, or if not, is unjust and cannot be sustained ; that it helps the vicious and indolent only ; that a tax might as well be levied and collected for the benefit of religious and charitable societies, with a thousand other objections which we will not mention, as they are of a minor character, and should not have a controlling influence in a matter of the great importance which this possesses ; and in regard to the objection which we have just specified, it will be seen, by a glance, that many are equally applicable to the old as to the new law, and indeed, if valid here, would be equally valid against any taxation for any purpose whatever.

With this view of the case, your committee are unanimously of the opinion, that something should be done to relieve those who are really suffering under the present law, to relieve the interests of our common schools from the incubus which lays upon them. Of the necessity of this, there can be no doubt ; the difficulty, and it is a great one, is to apply proper and appropriate means for the accomplishment of the object so ardently desired. In common with every one, we have but one wish, one aim in the matter ; and that is, to so remedy the evils under which we are now laboring, as to place our common schools on a proper, sure, and lasting basis, a basis upon which they may accomplish their mission as the mental and moral nurseries of those who are to succeed us.

On the one hand a majority of your committee have come to the conclusion that the law can be so amended as to remove the difficulties now in the way, and to the entire satisfaction of the people. On the other hand, the minority after giving the subject as careful and attentive a consideration as they can do, have not been able to acquiesce in this conclusion, and, accordingly, must dissent therefrom. Believing as the majority does, that the law can be properly amend-

ed, they have prepared, and herewith submit, a bill for that purpose. Its provisions are brief, but such as they think calculated to remove all just grounds of complaint, and to restore our common schools to their former high standing and prosperity, and also open and free to all. They have thought it their duty, in view of the overwhelming majority in favor of free schools, at the last election, to amend the law, rather than repeal; to cure its infirmities rather than to take away its existence. They do not pretend or imagine that, even with these amendments, it will be a perfect law; but they cannot but think, that it will be greatly improved by them, that our people will be satisfied, and wait for time and experience, and future legislation to make such further amendments as may be found necessary.

The main features of the amendments proposed by the majority of your committee, with the reasons for them, may be here briefly stated.

Carrying out the principle laid down in the former part of this report, that the property of the State should pay for the common school education of its children, and realizing the great inequality which now exists in the necessity for raising so much from the districts, your committee have proposed to raise an additional amount by direct taxation: were it possible, under the provisions of the Constitution, they would recommend that this be a State tax; as it is not, they have adopted the next best plan, and propose to raise the additional sum by direct taxation upon the respective counties; they accordingly provide, in the second section of their bill, that there shall be levied upon the counties a sum amounting to twice that received from the State, instead of an equal sum, as now, and the same upon the towns as under the present law. They also provide, in section 10 of their bill, that the library money may be also applied for the support of teachers' wages, if a majority of the legal voters of the district shall so direct. By a calculation based upon the public and other moneys of the past year, and the current expenses for teachers' wages, &c., during the same time, it is found that, if the public moneys are the same this year as that, and teachers' wages, &c., also the same, the additional sum now proposed to be raised on the counties, joined to the library money, will so nearly pay all the usual common school expenses of the year, as to leave but an average sum of three dollars to be raised in each district of the State—a sum really trifling and unimportant. But your committee are aware that, according to the present system of apportioning the public moneys among the several districts, if this additional sum

which they propose is raised, some districts will receive much more than they may need, even to keep up a school during the whole year; while the poorer districts, those which most need help, will receive but a comparatively small pittance, and will languish under the burthens of taxation, and, as a necessary consequence, will gradually become extinct, or their schools useless.

To prevent this consequence, your committee have proposed, in the fifth section of their bill, to introduce an entirely new system of apportionment, and one which they think will, at the first glance, commend itself to the approbation of every one. By its provisions, two-fifths of the public money of the town, applicable to teachers' wages, are to be equally divided among its several districts, and the remainder in proportion to the number of children in the districts attending school for four months or more during the preceding year. The advantages of this proposition are, that it will give a greater proportionate amount of money to the smaller and poorer districts, and thereby lessen their burthens, while, at the same time, by dividing a certain share of the money, in a proportion based upon the number of scholars actually attending school, it will offer to parents and others an inducement to get all their children into their schools, as the more in actual attendance, the more the district receives of the bounty of the State. By this section, then, we aim to make a more perfect distribution of our public money, and to call a greater number into attendance as pupils in our common schools; results which should be desired by every one—which no one will oppose.

Experience has shown that the present provision requiring schools to be kept only four months in each year, is much too short; and your committee have therefore, after much thought and deliberation, concluded to require that they shall be kept at least eight months in the year, or be debarred from a participation in the public moneys. As this, however, might sometimes work injustice, they have given to the town superintendent authority to lessen this time, for a proper cause to be shown him. This provision, with its guard, the majority think a good one, and one which will have a beneficial effect; they therefore most cordially recommend it for your adoption.

Another feature of their proposed bill, and one which not only the majority, but the minority of your committee also, think an important and salutary one, is, that they propose to strike out the third and fifth sections of the present free school act. We have before referred to these sections, as containing some of the most objection-

able features of the present law, as they have put it in the power of a majority of each district to reduce the time their schools are kept to a very small one, and one much too limited for the best interests of their children. But they have done more than this ; their practical operation has sown dissension and discord in many a district, where before were peace and harmony, and inflicted a wound upon the cause of popular education by estranging those who were formerly friends, which, under the most skilful management, it will take years to heal. Your committee, thinking it better to entirely take this power from the vacillating opinions and views of a district meeting, have struck those sections from their proposed bill, and, as before remarked, fix the time by statute in which schools are to be kept, subject to necessary alteration by the town superintendent.

The majority of your committee have proposed other amendments; as, if schools are kept longer than eight months, that any sum to be raised for the increased time, shall be collected by a rate bill ; that each district may direct how the fuel shall be procured, and how the teacher boarded ; that the expenses of the districts shall not exceed a certain sum; with others, the necessity or object of which will be apparent without any explanation on our part, and we, therefore, leave them without any further remark, respectfully submitting them for the approval, or, at least, for the kind and favorable consideration of the House.

In preparing these amendments, they have had much trouble and difficulty. The field is a new one, and it must remain for actual experiment to test the utility or the inutility of the bill they have framed. That it will, if passed, be of benefit to our common schools, and harmonize the conflicting feelings now existing, is their sincere belief, and they, accordingly, as sincerely desire that it may be adopted.

It is with much diffidence and embarrassment that the minority of your committee has felt itself compelled to dissent from the conclusions of the majority. In doing so, they are governed by a sincere desire to act only for the best interests of our common schools, and to restore them to their former high standing, their former usefulness, and their former position in the regards of our people. The subject is a delicate one ; it is one of the utmost importance, and we would not rashly propose to go back, for the present, at least, to our former system. We, however, are constrained to think, that in the present crisis, no other course is open before us; that no other plan will satisfy our people, or remove the deep and all pervading feeling

of hostility which exists against our present law; that amend it as we may, it will still be the system of which they so heartily disapprove now, of which, we fear, they would as heartily disapprove hereafter.

It is beyond a doubt, that the people do disapprove of the details, at least of the present law. Its operation has had a withering and a blasting effect. Is it not, then, reasonable to believe, that, although the law be amended, and its more repulsive provisions stricken out, if it still retain any of its old features, it will, notwithstanding all its amendments, be unpopular with the people. We think that it is ; and, thinking so, cannot turn a deaf ear to the thousands of petitioners, who have asked its unconditional repeal. They ask this, that they may return for the present, at least, to their old and well-tried system, well satisfied as they are, that it is not always well to change from a good and available plan to one untried and unknown. The free school system promised well ; the name had in it a charm ; it was pleasant to the ear of the poor man ; it sounded musically to him as he thought of the benefits it would confer on his children around him ; the man of moderate means and the one of wealth were as charmed as he ; all thought not of its possible evils, but they looked only at its probable benefits, and the good it had done in the crowded city ; and the result was, that a majority, counting by its hundred and tens of thousands, spoke in favor of the law. A few months only, and the feeling is changed ; the poor man finds, as the law commences its workings, that his children are deprived even of a part of their former privileges, for the school house door is now closed at times when it was opened before, and there are stern feelings rising in the breast of the rich man against him, as one whose children he is obliged to educate by compulsion, which he is loth to do ; the man of moderate wealth, the man of great wealth, and the one who has educated his own family according to the means with which he was blessed, now find their taxes increased, their poor neighbors educating their children upon the funds the law has *wrung* from them ; and they imbibe a stern prejudice against it in all its aspects, provisions and features. The minority are constrained to believe, that amend that law as we may, it will be looked upon with an unfavorable eye, and regarded by all with unconquerable feelings of aversion.

But the minority of your committee leaving, for the present, their *general* objections to the proposed amendments, and to which they propose to again refer before they conclude, have some serious objections to several of the particular amendments which are pro-

posed in the bill submitted by the majority, and they wish, as briefly as may be, to refer to them.

One of the sections of the bill so proposed, provides, that the library money may, in the discretion of the voters in the district, be applied for the payment of teacher's wages. To this proposition, your minority can never agree. The library fund should be a sacred one, never to be diverted. It does not now, nor did it ever, belong to the Common School Fund ; and that fund has no right to it, more than it has to any other of the funds of the State : if given then, to that fund, as it practically is, under the provisions of this section, it is given *without consideration*, and to the destruction of one of the most valuable and important of all our common school interests. We do not claim that our library system is perfect ; or that it has, in all respects, worked according to the intentions of its originators ; but we do claim, in all sincerity, that it has done, and is doing, an incalculable amount of good, an amount not yet fully perceived, but which after years will more completely and satisfactorily develop. Who can estimate the value of the influence it exerts in giving our young men a taste for reading ? Who can tell the amount of its influence in forming the youthful mind ? Who can now, or ever, sum up all its benefits ? However convenient or proper, then, it might be in individual instances, to apply this fund to the support of common schools, (and such cases there are,) your minority cannot consent that it be diverted from its original purpose. The system is now defective ; granted ; shall we then away with it ? No ! the defects are not inherent in the system itself ; let us then remove and remedy these defects, but preserve the rest.

Another feature of the proposed bill to which the minority cannot assent is the provision, that if schools are kept for a longer time than eight months in the year, the deficiency shall be raised, as formerly, by a rate-bill. This, in point of principle, though it may not be of great practical importance, your minority deem very objectionable. If there is anything in the free school principle, then this provision is wrong ; if there is not, then there is no reason why we should not immediately return to the old rate-bill system, and no necessity for a free school law, or these great and extensive increases of taxation which the majority bill proposes.

Another objectionable view of the case is, that the taxation proposed by the majority will be very unequal. It may not be as unequal as now, for the greater part of that which the present law

raises in the several districts will be levied on the county. But it must be obvious, that even to raise the tax in this manner great inequality of taxation must ensue. The relative number of children and amount of taxable property in the several counties is very far from being uniform ; the same property is assessed at different rates in different counties, and most of all, under our present assessment laws, property owned in one county is frequently taxed in another. This is particularly the case in some of the interior counties ; the surplus property of men of wealth in several of these is invested in banks, rail-road stock, incorporated companies for manufacturing purposes, &c., &c., in other counties than their own ; and however proper it may be, in ordinary cases, for that property to be taxed in the county in which it is invested, we think it would be unjust in a tax such as this bill proposes. If the property of the county is to be taxed for the benefit of common schools therein, then all the property *owned* in the county should then be taxed, else great inequality and positive injustice must arise, in one county being deprived of its fair share of capital to the benefit of another.

Indeed, the minority of your committee think that in the absence of power to provide for the support of our common schools by a State tax, there is no system of taxation that can be devised proposing to raise *all* the funds necessary by a direct tax aside from rate bills, that can operate otherwise than in an unequal and unjust manner.

There may be other objections to particular provisions in the proposed bill, but the minority, leaving them, will return to others of a more general character.

We think that, in theory at least, it is proposed to raise too much by general taxation. Upon this point the minority would speak with great diffidence, and all due regard for the opinions of those who think differently than we do. But this is a question of vital consequence, and one to which we should all earnestly look. The State, as we have before affirmed, should provide the means for the common school education of all its children. The property of the State in a "fair, just and equal proportion" according to the different interests different persons may have in the subject, or the more immediate or remote benefits they may derive, should be made to support our schools founded for the general good of all our children. The difficulty is to determine what is this "fair, just and equal proportion." Upon this question the minority may well hesitate in giving an opinion, for it is one of great doubt, and, we had almost said, one impossible to answer. They however, cannot help recognizing the principle, that

there are two classes of persons who are interested in our common schools : those who send to them and who are *directly*, and those who do not and who are but *indirectly*, interested in the subject. If this distinction is a correct one, then a result seems to follow, which is, that those who are *directly* interested should bear a greater proportion of the burthen than those who are but *indirectly* so, for the reason that while, like the others, as members of the State, they have an indirect interest ; as patrons of the schools, as parents of the pupils there being educated, they have, in addition to that indirect interest, a direct one also.

We therefore come to the conclusion, that while the property of State should bear a proportionate share of the expense of our schools, those who send to them should also do the same ; though this may not be an universal principle, or always a controlling one.

This principle has been approved by others before us. In 1846, N. S. Benton, in his annual report to the Legislature as State Superintendent, uses the following language : " The State will have discharged its duty, when means sufficiently ample are provided to sustain our educational institutions, without rendering individual contributions either burdensome or vexatious." That in his opinion the State had already discharged this duty, is evident ; for in a former part of the same report, after speaking of the law as it then was in this respect, and the bountiful provisions it had made, he concludes that " by these beneficent provisions, the child of penury and the destitute orphan have been provided with ample means of instruction, and it now becomes a question of grave inquiry whether this law is faithfully and benignly executed." And we may here remark that the fact that these provisions were found, in too many cases, not to be " faithfully and benignly executed," was one of the principal reasons why a resort to the free school system was first proposed and recommended to our people.

Another view of this subject is, that parents, if they are directly taxed for the support of *their* schools, will naturally feel more interest in them, than if all the money comes from a general fund to which they have contributed, it is true, but only in an indirect manner. It is *their* school ; *they* pay for it ; they have a *direct* interest in it. This view is also sustained by others ; Chancellor Kent, (Com. vol. 2, p. 196, n. a.,) speaking of this subject says, " Common school establishments and education ought to rest in part *upon local assessment*, and to be sustained and enforced by law according to the New England policy. That which costs nothing, is lightly estimated, and people generally, will not take or feel much interest in common schools,

unless they are taxed for their support." The Hon. John C. Spencer, also, in his annual report as State Superintendent in 1840, makes use of similar language, which we trust we shall be pardoned for quoting *in extenso*, as it is so clear, lucid and directly to the purpose. He says, "While public beneficence is bestowed in such a degree as to stimulate individual enterprize, it performs its proper office; when it exceeds that limit, it tempts to reliance upon its aid, and necessarily relaxes the exertions of those who receive it. The spirit of our institutions is hostile to such dependence; it requires that the citizens should exercise a constant vigilance over their own institutions, as the surest means of preserving them. A direct pecuniary contribution to the maintenance of schools identifies them with the feelings of the people, and secures their faithful and economical management. A reference to the free schools and other institutions of learning in England, which have been overloaded by endowments, will exhibit not only the jobbing speculation which has perverted them from the noble objects for which they were designed, but will show that when the government and wealthy individuals have contributed the most, the people have done the least, either in money or effort; and that, instead of being nurseries of education for the whole, they have been almost exclusively appropriated to the benefit of the few. The consequence has been, that while some most accomplished scholars have been produced, the education of the mass has been neglected. These schools were not of *the people*; they did not establish them, nor did they contribute to their support; and of course they regarded them as things in which they had little or no interest.

"In the State of Connecticut, the large endowment of the public schools produced lassitude and neglect, and in many instances the funds were perverted to other purposes, to such an extent, that an entire change in the system became necessary. In the cities, where there are large numbers who would not be instructed at all, if free schools were not provided, the evil must be encountered, as being less in degree than that of total ignorance. But in country districts such destitution rarely exists, and when it does, provision is made by law for gratuitous instruction in each particular case."

To this quotation it is not necessary for us to add a word; if it was true in 1840, it is equally so in 1850.

Again, another objection is, that the law is *compulsory*; the money is collected by a peremptory tax; no provision is made for the inhabitants of a district to exempt and pay for the education of a poor

man's family, living in their midst; the strong arm of the law says they *must* do it. We grant, that to a certain extent, the money should be raised as is proposed by this bill; but we think that *all* of it should not be raised in this manner. Such is also the opinion of John A. Dix, who, in his report as State Superintendent, in 1838, used the following language: "The common school system of this State has been carried to its present high degree of excellence, principally by *persuasion*, by *appeals* to the interest of the inhabitants of school districts; and it is believed that the improvements of which schools are susceptible, may be secured by a continuance of the same policy. To change a system of measures which has worked so well, for *compulsory* ENACTMENTS, would be unwise; nor is it deemed advisable to impose on the inhabitants of school districts any further burdens, unless the measure is accompanied by an additional contribution of pecuniary aid"

The law is not only compulsory in its taxation, but it is also so in regard to the length of time during which our schools shall be taught. This is found a necessary provision in the proposed bill, and to the minority, it speaks volumes against it. Under the old law, which required a four months school only, the average throughout the State was one of eight months. A change is made, and a compulsory system is adopted in place of a voluntary one, and even with the amendments, which are to make way with and remove all objections, it is found necessary, from fear that the term will be shortened, to require, absolutely, that an eight months school shall be kept, or the public money will be withheld. Before, such a school was willingly kept. Does it not argue that "there's something rotten in Denmark," some serious defect in a system which finds it necessary to prescribe a longer term than before? It seems to us that it does. Give the people such a law as they approve, and, our word for it, their own interest will prompt them to keep up their schools for a reasonable and proper length of time.

Another objection we have against the bill, is the great increase of taxation which will result if it is passed. Taking the amount the past year paid from the common school fund, as an average amount for succeeding years, and it will be seen that that sum being \$285,000, the counties will raise twice that amount, that is, \$570,000, and the towns the half of that being another \$285,000; thus making the gross amount of town and county taxes each year, \$885,000, being \$570,000 more than under the old law. Now, under the old law, the deficiency to be raised by taxation was raised

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by rate-bills, and the amount was willingly paid by those sending to school. This fact we all know; the proposition is to raise it by a county tax. The minority has already given its opinion, that this will work unequally and unjustly; they have now to add, that in their opinion, it will be met with the decided disapprobation of our tax-payers. Their petitions show that they complain of the great increase of taxes; that the real estate of the land is already overburthened; that it will operate unequally and oppressively upon tenants, mortgagors, or purchasers by contract of land; that a poor man, owning a small farm, his own children educated already, will have to contribute to the education of the children of his wealthy neighbor: all these and other complaints are made, and this minority cannot but think with some justice also. But we base an objection upon another ground still: admitting, as they may safely do, that, in the abstract, it were just to impose this additional tax, still it would be unwise and impolitic to do it, from the general disapprobation with which it would be regarded. It cannot be doubted that great opposition will be made to such a tax, and that the system which requires it, will be viewed with a general disfavor, and repugnance. If this is so, the law cannot have a good effect; our common schools cannot prosper. To flourish, they must be established in the affections of our people; they must not be met with opposition, or ill-will, our districts must not be the arenas of personal strife, and animosities; for as surely as they are, so surely will the cause of popular education languish to decay; so surely will rank grass and weeds grow around our school-house doors, so surely will our common school system be numbered "among the things that were," being wounded and killed by the lavish kindness of its friends. From such a result may we be mercifully spared.

Other objections throng to our minds, "thick as leaves in Vallambrosa," but we forbear to mention them. Enough, it seems to us, has been said, and we therefore leave this part of the subject, with the remark that these reasons have influenced us to think that the present law should be unconditionally repealed. To this conclusion we have come with great reluctance; but it is one from which our better convictions, our sincere desire for the prosperity of our common schools, will not permit us to escape. If we err, it is not from the heart.

But we are asked, Are you opposed to free schools? Our answer is an emphatic negative. Our common schools should and *must* be free; but we are not of opinion that the present law makes them

so, however it may be named ; or rather, that the *principle* of the present law is no more a free school one, than was the principle of the former. Under each system, no one was excluded ; every one could then, as every one now, find an open door, and a teacher to educate him. The only real difference in the two, (there being practically an apparent one, in the looseness of the exemption under the old system,) is that in the one, the money was raised by a rate-bill, in the other by a direct tax ; in each instance the property of the district pays the amount, though in different proportions. Both, then, may be called free-school systems, if we correctly understand the term, and apply it to a system which provides that a certain amount shall be raised by a tax, (and it must be immaterial upon what principle that tax is levied) and then all children shall share in its benefits.

But we opine, that a free school system, as the people now understand it, as they understood it at our last election, means something different from this, that it means *one which is sustained directly by the State, without any individual taxation whatever*, except in a small degree, as we will presently mention. Such a system, the minority are desirous of having. At the present it may be an impossibility ; but "there's a good time coming," and we hope, at a day not far distant, that a system like this will be ours.

But for the present, the minority of your committee think that there is no other course for us to adopt, but to return to the old rate-bill system. They have endeavored to examine the subject in all its bearings and aspects, and the more they look at it, the more are they convinced that this is the only available plan, the only one which can bring about the results we all so ardently desire.

The minority would not be understood in any part of their argument, to take decisive grounds against the support of our common schools by the bounty of the State. But they do think, judging from the experience of Connecticut, and for the additional reasons mentioned in the extracts which we have just made, that it will never be wise to *entirely* dispense with the rate-bill system. We, as just mentioned, are in favor of a free school law, by which the State shall furnish all the means, except a very small portion, to be raised in a proper manner from those sending to school. But the minority also think it not well, to pass from the rate-bill system to this, with too great rapidity. It should be a gradual change, and one for which the people will all be prepared ; which will not come upon them unawares, but which is foreseen, expected and desired. *Through*

such a change we are now passing. By the provisions of our constitution, the sum of \$25,000 is annually added to our common school fund ; from the silent operations of this gradual increase, year after year the fund is enlarged, and year after year a greater sum is divided among our schools. In four years, one hundred thousand dollars are added to the fund ; the interest of that is divided among the towns, they raising a corresponding sum, and thus we find our capital, in effect, every fourth year increased \$200,000. Nor is this all ; large quantities of land belonging to the State, and which have been totally unproductive, are a part of our common school fund. It is a source of gratulation to every one, that these lands are now becoming productive, and will undoubtedly, in a few years, yield a large increase, to be added to the productive capital of that fund. Especially is this the case, in respect to the lands in Essex, Hamilton and other northern counties. With a commendable liberality, the State has lately made, and is even now making, appropriations for the improvement of that part of her possessions, the effect of which will be, to improve those wild regions, and as a natural consequence, to increase the value to a surprising amount, of the lands there which she owns. Not only their *nominal*, but their *actual* value also, will be increased, and large additions, from their sales, must be made to the common school fund.

The effect of all this will be, that in a few years from these and other sources, a fund will be raised, the annual income of which will be sufficient for the entire support of our common schools ; then they will be free indeed ; they will be so practically and truly ; unequal taxation will be unknown ; complaints will be merged into blessings and we will have the best, yea, as we have already had the very best system of common school education in the world. For that time, let us all devoutly hope !

But it may be said, that we are abandoning the position taken, that the rate bill system should not be entirely laid aside. To this we answer, that from the gradual increase of this fund, our people will become habituated to the free-school plan ; gradually, yet surely, it will take the place of the other ; and then if it works, as the same plan did in Connecticut, to diminish the influence and beneficial effects of our schools, by diminishing the interest of the people in them, a corrective may easily be applied, and the danger avoided.

But your committee, will bring their report, already too extended, to a close. They have endeavored to show the necessity and importance of a common school system, and the duty of the State to maintain it, by providing the necessary means for carrying it into operation ; they have also attempted to show what the State has done in the discharge of this duty and the reasons for the change made in the system ; they have tried to show, also, that the new system is an imperfect one, and requires material alterations, or to be repealed. The majority of your committee have proposed amendments, and give their reasons for them : the minority, compelled to dissent, have given their reasons also, and bring in a bill for the repeal of the law. Aware, also, that many are of the opinion, in view of the overwhelming majority in favor of the law, at our last election, that we should not repeal it, but should re-submit the question to them ; and a bill for that purpose having been submitted to the house by one of the members from Livingston (Mr. McLean) the minority instead of reporting against the same, think it proper to report it for the consideration of the house, with their own bill for repeal. In this manner, the whole question will be brought before the committee of the whole, and the merits of the different propositions, to amend, repeal, or re-submit to the people, can have a full, and fair, and free discussion.

The members of your committee deeply regret their inability to do justice to the subject committed to their charge. They are now compelled to make their report, for the shortness of the time left to the close of the session, forbids them to longer delay. In submitting this report, they are painfully conscious of its many imperfections, the crude, unpolished and indigested manner in which it is written. As it is, however, they submit it to the House for its indulgent and favorable consideration.

Let what will be the action of this Legislature in regard to this momentous question, your committee earnestly hope that it will be for the benefit of our common schools ; that, by us, their interests may be protected and nourished, their prosperity increased, and their means of usefulness enlarged and extended ; that whatever system be finally adopted, it will be one loved of the people ; a system whose roots will enter deeply into the hearts and affections of our

people, whose kindly shade will extend over all the State, its grateful protection and shelter ; then will we all pray :

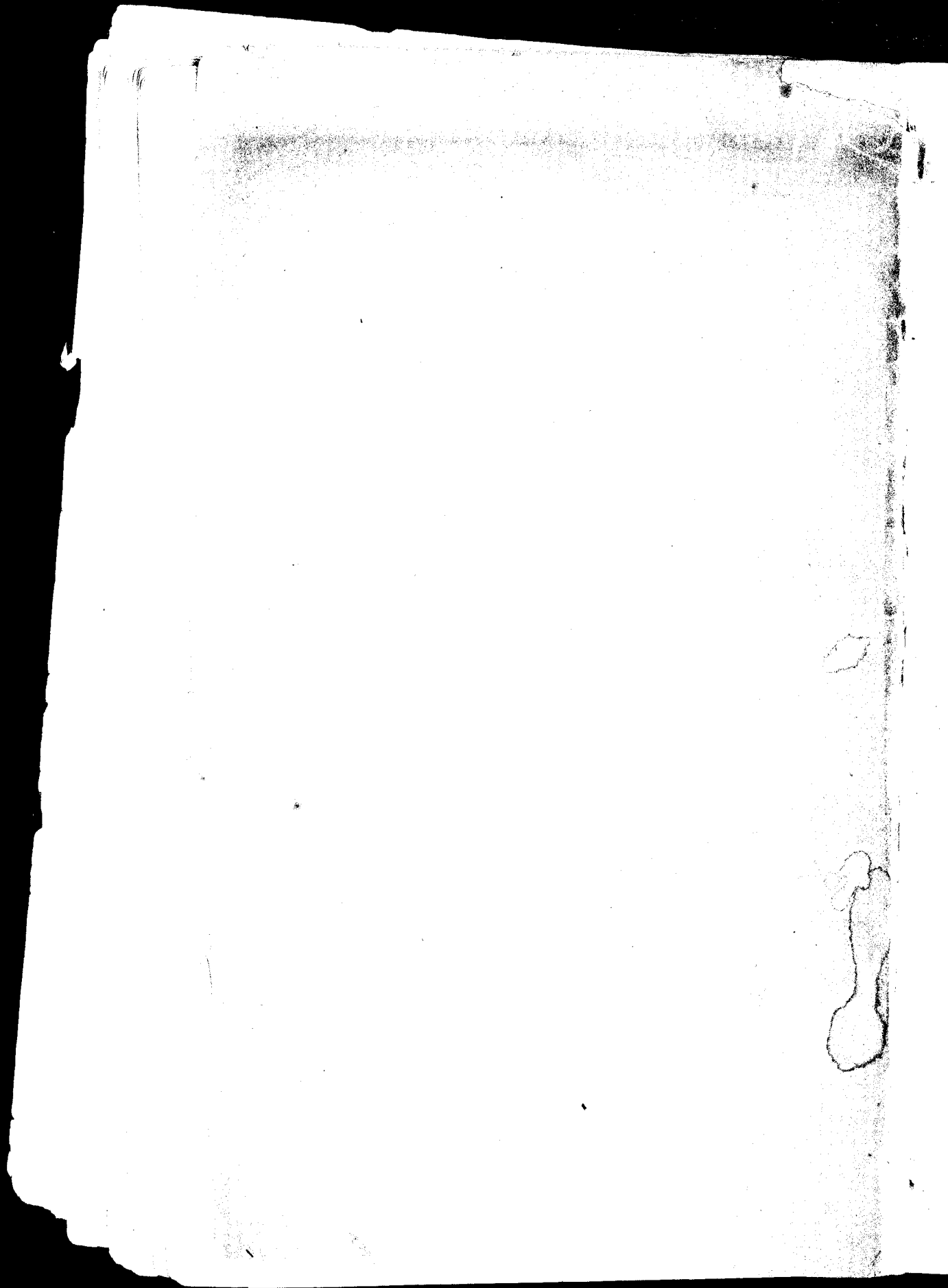
" Lord, ever let it flourish ; Lord, ever keep its verdure green !"

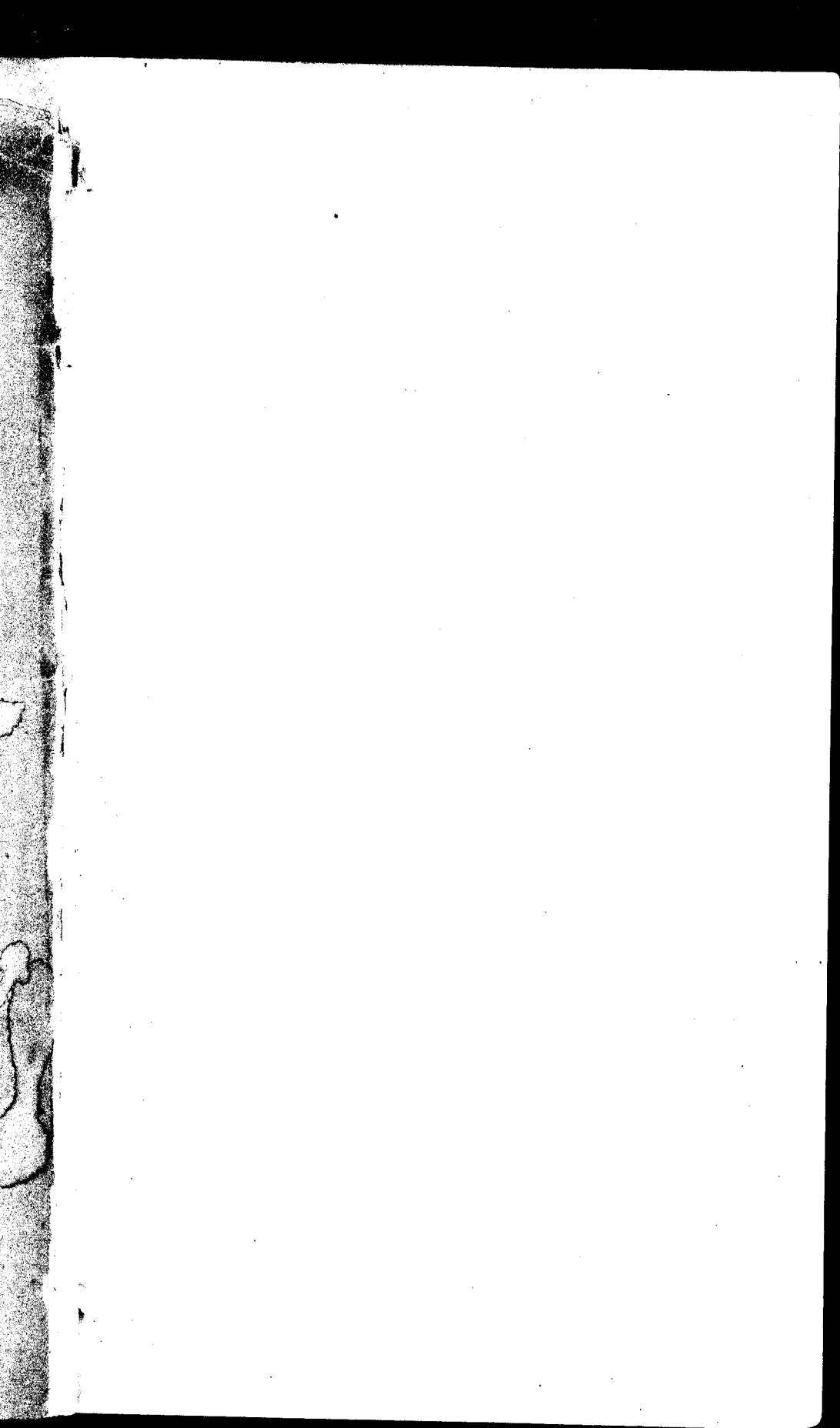
C. ROBINSON,
JOHN OVERHISER,
BENJ. J. COWLES,
T. O. BISHOP,
IRA E. IRISH,

Majority

H. BREWER, *Chairman*,
LEWIS KINGSLEY,
DAVID SILL,

Minority.





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